

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MANUEL L. BURNLEY, JR.,

Plaintiff,

and

STATE OF WISCONSIN DEPARTMENT
OF JUSTICE, OFFICE OF CRIME VICTIM
COMPENSATION SERVICES, and
STATE OF WISCONSIN DEPARTMENT OF
HEALTH SERVICES

Involuntary Plaintiffs,

Case No. 19-CV-364

vs.

VILLAGE OF BROWN DEER,
and DEVON M. KRAEMER,

Defendants.

DECLARATION OF ANN C. WIRTH

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

I, Ann C. Wirth, being first duly sworn under oath, declare and state as follows:

1. My name is Ann C. Wirth. I am an attorney licensed to practice law in the State of Wisconsin and am an attorney with Gunta Law Offices, S.C., which represents the Defendants in this lawsuit. I make this declaration based upon my personal knowledge and in support of the Defendants' Response to Plaintiff's Civil L. R. 7(h) Expedited Non-Dispositive Motion for Leave

to File Second Amended Complaint.

2. Defendant Devon Kraemer was charged by the Milwaukee District Attorney with Aggravated Battery, Use of a Dangerous Weapon, based on the force used against Burnley on March 14, 2016.

3. Defendant Kraemer's criminal trial was held from February 12, 2018 to February 28, 2018.

4. Defendant Kraemer testified from February 22, 2018 to February 23, 2018, resulting in 284 pages of testimony transcript.

5. Village of Brown Deer Police Officer Leeman testified at Defendant Kraemer's criminal trial from February 14, 2018 to February 16, 2018 resulting in 352 pages of testimony.

6. After Plaintiff filed this civil suit, Plaintiff's counsel and defense counsel obtained Kraemer's full criminal trial transcripts, and split the cost, ensuring both parties had full access to the transcripts.

7. Pursuant to Wisconsin law, the City of Milwaukee Police Department was assigned as the outside agency to investigate Officer Kraemer's shooting of the Plaintiff. The investigation resulted in a 277 page report dated March 14, 2016, and Defendants provided Plaintiff with a copy of the report as part of a discovery response in this case on June 12, 2019.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 28th day of October, 2019.

/s/ Ann C. Wirth
Ann C. Wirth